

# KANSAS BOARD OF COSMETOLOGY

Mary Lou Davis  
Executive Director

June/July 2006 Newsletter

Phone: (785) 296-3155  
Fax: (785) 296-3002

## Members of the Kansas Board of Cosmetology

Marie Plinsky, Topeka - Board Chair	Ron McKenzie, Olathe
Dereama Allenbaugh, Hays - Co-Chair	Anita Pankalla, Eudora
Marian Brown, Lawrence	Tracey Stark, Oakley
Rogene Handlon, Topeka	Robert Werne, Jr., Wichita

## Mission Statement

*The mission of the Kansas Board of Cosmetology is to protect the health and safety of the consuming public by licensing qualified individuals and enforcing standards of practice.*

**Board Communication:** The purpose of Board communication through newsletters, renewal application information, mailings, health and sanitation seminars and the website is to keep licensees informed and educated to reinforce efforts in maintaining high standards of practice, thus preventing health risks for the consumer and licensee.

To underscore this importance, the Board implemented a new segment in the practical licensure exam whereby each examinee must successfully complete the Universal Precautions/Blood Spill Procedure outlined by the Occupational Safety and Health Administration (OSHA) and the United States Center for Disease Control and Prevention (CDC). Should an examinee successfully complete the practical exam, but fail the blood spill procedure, the exam candidate is required to re-take that portion of the exam. No license is issued until all portions of the exam are successfully completed.

Universal precaution/blood spill procedure information was sent to all salons in 2001. This should be posted within the salon for ready reference. Newly opened salons are routinely provided this 8" x 11" outline. If your salon has misplaced this information, contact us at once and another will be provided.

**Public Protection:** In the 2001 newsletter, the Board provided information about the media's national focus on health issues related to a salon's unsanitary conditions. This attention involved approximately 100 consumers who experienced non-healing leg lesions following pedicure services at a Watsonville, California salon. In 2004 another outbreak was reported in San Jose, California, which involved 27 salons and 120 consumers.



You may also recall Paula Abdul testifying before a California legislative committee asking that more stringent standards be placed on salons. She developed a staph infection in her thumb as the result of a manicure performed under unsanitary conditions.

For weeks she appeared on *American Idol* with a large bandage on her hand and forearm as surgery was required to curtail the infection's rapid progression to the bone.

In 2002, a Missouri woman won a settlement against a salon because she developed an infection following a manicure. Because of the infection a portion of her index finger was amputated.

Due to a lawsuit filed in Texas, the Texas legislature recently enacted law whereby all nail technology salons are required to sterilize equipment, implements and materials prior to each consumer service.

Kansas has had one recent consumer complaint reporting leg lesions as the result of a pedicure. TV media reported the complaint and focused on disinfectant procedures for whirlpool spa's.

The focus must be on infection control procedures for all services provided in the salon. This includes proper disinfection of all equipment, implements and materials prior to each consumer service, the licensee's proper handwashing prior to each consumer service and the licensee's refusal to provide a service for any consumer should the licensee have reason to believe the consumer has a communicable disease, contagious condition or has infected or inflamed skin, or an open sore or wound.

No hair removal or waxing service on the legs or feet should be performed prior to a pedicure. Shaving the legs creates *microscopic* tears in the skin. Anytime skin is broken, germs may enter the body. Advise all consumers to refrain from shaving or waxing their legs 24 to 48 hours prior to a pedicure.



Regulations have been drafted and will soon be adopted outlining additional sanitation and disinfection procedures to prevent the spread of germs. These proposed regulations will soon be posted on the Board's website.

Should you have questions or concerns about sanitary and disinfection procedures do not hesitate to call this office. Likewise refer any consumer to this office should they believe their health has been put at risk due to unsanitary practice.

**Scope of Practice:** The Kansas Board of Cosmetology is concerned with an increasing number of incidents whereby KBOC licensed practitioners provide consumer services beyond the definition outlined in law for their respective profession.

Injury reports have recently been submitted whereby consumers state they experienced thermal burns due to improper eyebrow waxing. The service was provided by a licensee, however the licensee was not licensed to provide a waxing service. Of equal concern is although the service was provided in a Kansas Board of Cosmetology licensed facility, the facility was not licensed to provide esthetic (skin care) nor cosmetology services. Disciplinary action involving both the practitioner and facility is pending.

The law prohibits individuals from providing

- cosmetology,
- nail technology,
- esthetic (skin care),
- electrology,
- permanent cosmetic/micropigmentation,
- tattoo, or
- body piercing services

unless the individual is licensed by the Kansas Board of Cosmetology to provide these services.

Additionally no facility may permit the practice of these services unless the facility is licensed to provide the specific service.



When a licensee or salon practice is questioned, the Board has the authority to investigate. If a violation occurs, the Board may take disciplinary action whereby the practitioner license and salon license may be conditioned, suspended or revoked. A \$1,000 fine per violation may also be assessed.

The Board may take disciplinary action for violation of the tattoo/permanent cosmetic law and a \$5,000 or greater fine may be assessed.

**Public Information:** The Kansas Open Records law requires the Board provide licensure status information to anyone who makes inquiry. You are encouraged to contact this office (by phone or e-mail) to confirm the license status for a prospective employee, booth renter or contractor.

Likewise, salon inspection reports are public information. Therefore any consumer may call this office for information on current and past inspection reports. Consumers may also confirm licensure status of any salon.

**When Can I Work?** Kansas law permits an individual to provide cosmetology, nail technology, esthetics or electrolysis services when the Kansas Board of Cosmetology issues a temporary permit or practitioner license and the permit or license is posted at their workstation within easy view of the public.

A temporary permit is issued to an individual who has made licensure application but has not yet taken the licensure exams. This most often involves students who have completed their training and are awaiting the scheduling and/or score results of their licensure exams.

Should this licensure applicant fail either part of the exams, or fail to take the exams as scheduled, they are prohibited from providing any service. In both situations, the temporary permit immediately becomes null and void regardless of the temporary permit's expiration date.

Salon owner's may wish to inquire about the scheduled exam dates (practical and written) of anyone with a temporary permit. You may request to see the exam admission's letter confirming the exam date(s). Within ten days of the exam date, the temporary permit practitioner will receive either a practitioner license and/or a letter informing them of their exam score. Should the individual fail to post the practitioner license within the above referenced timeframe this may indicate they failed the exam(s). As stated above, an individual may not provide any service until they receive a practitioner's license.

Although an out-of state practitioner submitted a licensure application to this office, the applicant may not provide any service until they receive the Kansas Board of Cosmetology issued temporary permit or practitioner license and posts the permit or license at their workstation within easy view of the public.

Providing any cosmetology service (hair, skin or nail) without proper licensure subjects the practitioner and salon owner to disciplinary action.

**Appointments to the Board.** The Board's regulatory responsibility is to protect the health and safety of the consuming public and promote standards of professional practice. Board members are appointed by the Governor. The Board members are appointed by the Governor for a three year term. If you are interested in serving as a board member, submit a cover letter and resume to:

*Director of Appointments  
Office of the Governor  
State Capitol, 300 SW 10<sup>th</sup> Ave, Suite 212S  
Topeka, Kansas 66612-1590*

**Exam Raters.** Do you want to promote the cosmetology professions and be paid for your efforts? Should you be interested in becoming an exam rater for the State Board practical exams, forward your resume to the Board office. Your resume will be sent to the testing organization who will contact you regarding compensation and training.

**Web-site and E-mail:** Check the website for upcoming information regarding revisions of the health and sanitation regulations. A public hearing will be held whereby you are encouraged to comment about the regulations – either pro or con.

The website also posts the laws and regulations, current Board meeting minutes, past salon newsletters, forms and applications and other items of interest.

If you have questions, suggestions or wish to file a complaint, contact the office via phone or e-mail.

**Board Inspector Plans Retirement:** Val Hawn, a staff member for over 13 years will retire in September. Ms. Hawn, a licensed cosmetologist (forty-five years) joined the Board staff in 1993 and was promoted to inspector in 2000. After her retirement she will continue to be involved with the cosmetology professions as an exam rater for the Board licensure exams.

Ms. Hawn states she thoroughly enjoyed her work as a Board inspector, found the daily contact with the public interesting and challenging. She further states she will miss interacting with Board licensees.

The Board and staff thank Ms. Hawn for her many contributions in fulfilling the Board's responsibilities to the public and licensees. She will be missed – we wish her the "best" in all future endeavors.



**Salons of Hope.** Since many of your clients are comfortable talking with you about life issues, you are in a unique position to offer help to victims of domestic violence.

The two goals of the Kansas Salons of Hope initiative are to provide a non-threatening safe environment for victims of domestic violence to share their stories and to provide victims with access to information and services.

If you are interested in attending or hosting a KSOH training session contact Jeanette C. Stauffer, KSOH Project Director, Statewide Victims' Rights Coordinator at 785-296-2215. Working together, we can make a significant difference to victims of domestic violence.

*Please reproduce and distribute this newsletter as you wish. We encourage salon owners to post the newsletter so other practitioners may review the information contained in this issue.*

#### **Board Staff**

Mary Lou Davis, Executive Director

Mary Lou Cheray	Clerical
Kitty Craver*	Individual licensure renewal
Cherie Daniels	Administrative Officer
Adele Finney*	Accounting/Budgeting
LeAnna Hickman	In-state licensure & exams
Melaine Kester	Complaints/disciplinary action
Julie Levings	Facility licensure
Sheila Rice	Out-of-state licensure & exams

#### **Inspectors**

Ava Fiene*	Val Hawn*
Cindy Fellows*	

**\*Licensed cosmetologists.**